

MAKING A WILL



Please find your Will questionnaire and explanatory notes enclosed

THOMPSONS SOLICITORS' POSTAL WILL MAKING SERVICE

ABOUT THOMPSONS SOLICITORS

Thompsons understand the concerns people have about dealing with the law. Over 85 years of representing the interests of working men and women and trade union members, has allowed us to develop a friendly, approachable service.

THOMPSONS SOLICITORS WILL MAKING SERVICE

Making a Will need not be complicated. We offer this service for each member and their partner whether married or not and for partners of the same sex. This service can help you safeguard the interests of your family, friends and dependants – **and you don't even have to visit us!** Using our questionnaire, we can draft your Will from the information you provide.

The Wills questionnaire can be completed by either a single person (please give the details under the columns headed "Yourself"), or by a couple (please complete both columns "Yourself" and "Your Partner").

It is important for **both** partners to make Wills because you might die together. In any event you should provide for what should happen when you both die.

The word "partners" is used in this document to refer to all partners, whether married or unmarried, regardless of gender or sexuality.

WHAT DOES MAKING A WILL INVOLVE?

A legally drawn up Will is a written statement of your wishes. It enables you to make important decisions that affect your family and friends after your death.

Decisions such as:

- Who inherits your **estate** (i.e. everything you own)? – your **beneficiaries**?
- Who will act as **guardians** of your children?
- Who carries out your wishes? – your **executors** (and your executors may act as your trustees if your Will creates a Trust).
- Why would you create a Trust?
- Which charities are to benefit from your estate?

All of these issues can be incorporated in a Will. A properly drafted Will can spare your family and friends a lot of unnecessary work and heartache at a time when they are least able to cope with it. It also reduces the possibility of your Will being invalid or contestable.

You can alter your Will or cancel it at any time, but we will charge for any alterations at the reduced rate agreed with your union.

WHO WILL CARRY OUT MY WISHES WHEN I DIE?

Executors are people who administer – or execute – your affairs and being an executor does not prevent the person from also being a beneficiary of your estate. Husbands and wives or partners can appoint each other as first executors and two (or more) additional executors such as adult sons and daughters or professional people to act as your substitute executors in the event of both deaths. Please consider the appointment of your executors with care. The duties imposed by law on executors and trustees can be time consuming and can lead to personal liability.

The partners of Thompsons Solicitors are willing to act as executors of your estate, either solely or with a relative or trusted friend. Even when a Will appoints an executor, a **Grant of Probate** must generally be obtained from the Probate Registry. In addition, Capital Tax and Inland Revenue returns may need to be filed listing full details of assets. For these reasons executors and trustees nearly always instruct a solicitor to deal with the administration of the estate. Thompsons Solicitors has an

experienced Probate Department staffed by skilled solicitors who deal with the administration of estates.

Our costs are reasonable and are calculated on the basis of the amount of work involved, unlike the major banks who charge a percentage of the estate. Our costs can always be the subject of independent review and scrutiny by the Legal Services Ombudsman.

WHAT HAPPENS IF SOMEONE DIES WITHOUT MAKING A WILL?

- **Everything you own** will be divided up under fixed rules decided by law, not by you. These are known as Intestacy Rules.
- **You leave your relatives and friends** with the difficult task of sorting out your affairs.

One of the most common misconceptions is that if you die without a valid Will all of your estate will automatically go to your surviving partner. This isn't the case. Your partner could even end up with insufficient money to remain in the family home.

The law does **not** provide for unmarried partners or children who are not biological children of the parents (other than adopted children) and if you have no surviving blood relatives then your estate goes to the Crown.

WHAT ARRANGEMENTS SHOULD I MAKE ABOUT MY CHILDREN?

You should consider appointing a **legal guardian** to look after children who are under 18. When a parent dies, the surviving parent normally becomes the legal guardian. But you may die at the same time in which case it would be wise to appoint another member of your family or a close friend as a legal guardian.

Your trustees have power to pay money to the guardians for the maintenance, education and general welfare of your children.

Please note: Unless the mother appoints him, an unmarried father will not automatically become the guardian of his natural child on the death of the mother.

I DON'T WANT TO LEAVE ANYTHING TO MY FAMILY

You don't have to leave anything to your family in your Will, but if you do not make suitable financial provision for members of your immediate family or other people financially dependent on you, they may be able to contest your Will and claim a share of your estate.

WITNESSING THE WILL

There are very strict legal formalities which have to be complied with when signing your Will. We will give you clear and detailed instructions of those requirements.

The individuals may also need to act as trustees: for example, where money needs to be held in Trust for children under the age of 18 or where any other type of Trust arises under your Will.

LIVING WILLS

This is the name given to a Will which does not deal with matters after a person's death but seeks to control medical treatment before that person's death.

A Living Will may contain a statement or direction about that person's future medical treatment when they are no longer able to communicate the circumstances in which they do not want medical treatment.

In a Living Will, you can set out what medical treatment you wish to refuse in what circumstances. However, treatment to cause death cannot be directed.

Please ensure all sections of the form are completed. Please write "not applicable" to any parts that do not apply.
Send your completed form to:

THOMPSONS SOLICITORS, WILLS DEPT, THE NEW UNION HOUSE, 2 HARBOUR AVENUE, PLYMOUTH, DEVON PL4 0BJ

QUESTIONNAIRE

DO NOT COMPLETE this form **BEFORE READING** the explanatory notes. All information provided will be treated as strictly confidential.
Please complete in **BLOCK CAPITALS**, giving full names, addresses and the relationship to you of each person mentioned.
PLEASE **TICK** THE APPROPRIATE BOX WHERE NECESSARY.

1. Which service do you require? Single Will Mirror Wills

2. Do you wish to deal with this application by: Post Email (please provide email address _____)

3. Do you need your Will prepared urgently for medical reasons?
If yes, please state reasons:

YOUR PERSONAL DETAILS

- | 4. Your Details | Your partner's details (only complete if you have selected mirror wills) |
|---|---|
| Sex: Male <input type="checkbox"/> Female <input type="checkbox"/> | Sex: Male <input type="checkbox"/> Female <input type="checkbox"/> |
| Title: Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Dr <input type="checkbox"/> | Title: Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Dr <input type="checkbox"/> |
| Other <input type="checkbox"/> (please specify _____) | Other <input type="checkbox"/> (please specify _____) |
| Surname: _____ | Surname: _____ |
| First name(s) _____ | First name(s) _____ |
| Home address: _____
_____ | Home address: _____
_____ |
| Home tel no: _____ | Home tel no: _____ |
| Work tel no: _____ | Work tel no: _____ |

YOUR ESTATE

5. Is your home: rented owned in your sole name
owned jointly with partner as 'joint tenants'
owned jointly with partner as 'tenants in common'

6. If your property is owned jointly with someone other than your partner, please state their name and confirm whether it is owned as joint tenants or tenants in common:
7. Do you have any assets outside England and Wales? no
yes (please specify country _____)

8. Have you made a Will in another country? no no
yes (please state where and when and attach a copy if possible) yes (please state where and when and attach a copy if possible)

PLEASE ATTACH EXTRA SHEETS IF NECESSARY

FULL REASONS SHOULD BE GIVEN IF YOU WISH TO EXCLUDE ANYONE WHO IS FINANCIALLY DEPENDENT ON YOU.
IF THAT PERSON MAKES A CLAIM AGAINST YOUR ESTATE, YOUR REASONS FOR EXCLUDING THEM WILL BE CONSIDERED IN COURT.

QUESTIONNAIRE

YOUR WILL

18. Please choose from the following options:

I do not have a partner and wish to leave my estate to my children, friends, family members and/or charities. Please provide details below:

I wish to leave my estate to my
 Partner but if they die before me, to my children in equal shares. If any of my children die before me, their share is to pass to my grandchildren..

I wish to leave my estate to my
 Partner but if they die before me, to my children in equal shares. If any of my children die before me, their share is to pass to my grandchildren..

Partner but if they die before me, to other family members, friends and/or charities. Please provide details below:

Partner but if they die before me, to other family members, friends and/or charities. Please provide details below:

None of the above. Please provide details:

None of the above. Please provide details:

19. Funeral Instructions:

buried cremated no preference buried cremated no preference

20. Do you wish to donate any organs of your body for transplantation or therapeutic purposes (including organ transplant)? This does not cover medical research which can only be arranged prior to death with a teaching hospital.

Yes

No

Yes

No

UNION DETAILS

(Your application will not be processed unless this section is fully completed)

Please confirm which Union you belong to: _____ Membership number: _____

Union sector: Health Education Local Government Fire Service Finance Transport Clerical Police staff

Water Utilities Other (please provide details) _____

Union area: (the part of the country your Union office is located):

London North North East North West Midlands Wales West East South South East South West

Union Branch: _____

DECLARATION

I declare that the above information is correct and that I wish my Will(s) to be drawn up in these terms

Signed:

Dated:

PLEASE ATTACH EXTRA SHEETS IF NECESSARY

PLEASE REMEMBER TO GIVE FULL NAMES AND ADDRESSES

QUESTIONNAIRE

GUARDIANS

- 14. Do you wish to appoint guardians for any children you have aged under 18?**
Please limit to two.

Name: _____ Name: _____
Address: _____ Address: _____

Name: _____ Name: _____
Address: _____ Address: _____

GIFTS TO FAMILY AND FRIENDS

- 15. Do you wish to leave any particular items to particular people? (eg wedding ring to daughter, car to grandson)**
Please provide details:

Name: _____
Address: _____
Current age under 18 over 18
Details of gift: _____
Bequest to be made: on my death on Partner/Husband/Wife's death on both deaths
Name: _____
Address: _____
Current age under 18 over 18
Details of gift: _____
Bequest to be made: on my death on Partner/Husband/Wife's death on both deaths

- 16. Do you wish to leave sums of money to particular people? (eg £500 to nephew).**
Please provide details

Name: _____
Address: _____
Current age under 18 over 18
Details of gift: _____
legacy to be made: on my death on Partner/Husband/Wife's death on both deaths
Name: _____
Address: _____
Current age under 18 over 18
Details of gift: _____
Legacy to be made: on my death on Partner/Husband/Wife's death on both deaths

GIFTS TO CHARITY

- 17. Do you wish to leave a sum of money to charity?**
Please provide details

Name of charity: _____
Registered charity number: _____
Address: _____
Details of gift: _____
legacy to be made: on my death on Partner/Husband/Wife's death on both deaths

PLEASE ATTACH EXTRA SHEETS IF NECESSARY

PLEASE REMEMBER TO GIVE ALL INFORMATION IN BLOCK CAPITALS

FINANCIAL CHECKLIST TO VALUE YOUR ESTATE

This information is received in strict confidence and will not be disclosed to anyone outside of Thompsons.
WE MAY NOT PROCESS YOUR APPLICATION IF THIS CHECKLIST IS NOT COMPLETED.

PROPERTY AND CAPITAL ASSETS	YOURSELF		YOUR PARTNER	
(approximate values in £s only required)	<u>Your share of</u> Joint Property	Sole Property	<u>Your share of</u> Joint Property	Sole Property
Own home	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Other houses, land or buildings	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Household contents	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Cars, boats, etc.	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Jewellery	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Fine art/antiques	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Lump sums due (i.e. damages, inheritance, redundancy)	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Bank and building society accounts	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
National savings and premium bonds	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Stocks and shares	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Unit Trusts	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Life policies (please indicate whether they cover any mortgages or other loans)	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Death benefits under a pension arrangement	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Assets of any sort held outside England and Wales (please state where held). If you have a Will relating to foreign property please enclose a copy.	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Other assets	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Total Assets	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>

LIABILITIES				
Home mortgage	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
2nd mortgage or further advance	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Bank loans	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Overdraft	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Credit card debt	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Other debts	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Total Liabilities	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>

NET ESTATE				
Total Assets	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
Less Total Liabilities	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>
CURRENT VALUE OF YOUR ESTATE	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>	£ <input type="text"/>

Please insert details of any lifetime gifts made within the last 14 years (if over £3000 in any one tax year) on a separate sheet.

**HAVE YOU GIVEN FULL NAMES AND ADDRESSES?
THOMPSONS SOLICITORS' WILL MAKING SERVICE FOR TRADE UNION MEMBERS**

Now send this form to: Thompsons Solicitors, WILLS DEPT, The New Union House, 2 Harbour Avenue, Plymouth, Devon PL4 0BJ

THOMPSONS SOLICITORS' POSTAL WILL MAKING SERVICE

CAN I ENSURE THAT MY PARTNER DOES NOT LEAVE THE ASSETS INHERITED BY HIM/HER UNDER MY WILL TO SOMEONE WHOM I WOULD NOT LIKE TO INHERIT THOSE ASSETS?

This can be ensured by giving your partner only a limited interest in your estate. This will mean that both your Will and the administration of your estate will become more complicated and that your estate will have to be held by your trustees upon Trust.

Examples include giving the right to live in your home to your partner during your partner's lifetime (or perhaps until your partner's (re)marriage); giving your partner the right to the income generated from the remainder of your estate during your partner's lifetime (or until your partner's (re)marriage).

This may involve work which falls outside the Wills scheme and is something for which we may have to charge extra.

ASSETS WHICH MAY NOT BE COVERED BY YOUR WILL

- **Death benefits under a pension scheme** are usually distributed at the discretion of the pension fund trustees. You should therefore let them know of your wishes. Often, they will require you to complete a nomination form indicating who you would like to benefit. We would advise you to review your nominations annually.
- **Life assurance policies**, if written in Trust, are payable to the named person(s), whatever your Will may say. We would advise you to check these annually.
- **Assets in joint names** may pass to the survivor. If you wish to leave your share of jointly-owned assets to someone other than your co-owner, you may need to take steps to divide the ownership of those assets. If, for example, the jointly-owned asset is your home you should have the wording of the title deeds checked.

Normally, the title deeds are worded in such a way that your share would automatically pass to the other owner on your death. This requires conveyancing work such as drafting a declaration of ownership. This work falls outside the Wills scheme. Thompsons Solicitors have expertise in this area should you require this additional service.

IF I DIVORCE OR REMARRY DOES IT AFFECT MY WILL?

- A divorce treats a former spouse as if they were omitted from the Will. No gift will pass to them, and even if they are named as executors they cannot act as such. However, the rest of the Will remains valid.
- Marriage and remarriage are somewhat different. A marriage usually cancels any previous Will.
- As a result you could find you have no Will at all and the Intestacy Rules would apply.
- If you have set a date for a wedding please inform us so that an appropriate clause can be included in the Will to prevent your Will being cancelled.
- If you are married and co-habit with a new partner without getting divorced, do make sure you make provision for your new partner and any children. Otherwise, the legal spouse might be able to inherit under a Will you have made and not cancelled, or under the Intestacy Rules.

CIVIL PARTNERSHIPS

The dissolution of a civil partnership has the same effect on the partners' Wills as does divorce for married couples. The formation of a civil partnership revokes the partner's Will unless made in contemplation of their civil partnership. If you are (or about to be) in a civil partnership, please tell us.

IF LATER IN LIFE I SHOULD BECOME MENTALLY INFIRM, CAN I ARRANGE FOR A RELATIVE OR FRIEND TO LOOK AFTER MY AFFAIRS?

This is possible by way of a Lasting Power of Attorney which is a separate legal document that should not come into effect until you are incapable of managing your own affairs. You cannot make provision for this in your Will and it is not a service that Thompsons Solicitors can provide.

You should, if you believe it is necessary, contact a local solicitor who will need to see you.

WHERE SHOULD I KEEP MY WILL?

You can lodge this with your bank or at the Probate Registry.

WHEN SHOULD I CHANGE MY WILL?

You do not need to make a new Will if anyone named in it changes address – you can simply leave a note of the new details with your Will. We advise that you should review your Will every two to five years, and especially when there is any major change in your life, such as marriage, separation, divorce, remarriage, a death or birth in the family.

We are always happy to discuss changes in your Will and will re-write your Will at the reduced rate agreed with your union.

THE FINANCIAL CHECKLIST

We suggest that you make a list of all of your assets which should include your home, life policies, your savings, car and other effects and at the same time, make a similar list of all your liabilities such as mortgage, overdrafts and other debts so as to work out the approximate value of your estate. We have included a financial checklist to assist you.

INHERITANCE TAX

Inheritance Tax or IHT, as it is sometimes referred to, is levied on a person's estate when they die.

For guidance on some of the main opportunities for minimising the impact of this tax, read our Inheritance Tax information page.

The information contained within this document was correct at the time of publishing in May 2011.

AND FINALLY . . .

We are an equal opportunities firm and all our services are available equally regardless of sex, race, age, disability, sexual orientation or religious belief. (Our service does not cover Northern Ireland or Scotland).

We comply with the Solicitors' Introduction and Referral Code published by the Law Society, and any solicitor to whom we may refer you is an independent professional from whom you will receive impartial and confidential advice. You are free to choose another solicitor.

Please complete the enclosed questionnaire giving **full forenames and full addresses** in block capitals of everyone you wish to mention – e.g. Rebecca Ann Windsor not Becky A. Windsor. Your application will be returned if not properly completed. Return the questionnaire together with the financial checklist, if appropriate, to Thompsons Solicitors' Wills Department at the address given below.

 **THOMPSONS**
S O L I C I T O R S
C O N V E Y A N C I N G & W I L L S

www.thompsons.law.co.uk
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